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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,586	11/19/2003	Gordon K. Dennis	HMC-130US	6289

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STRADLEY RONON STEVENS & YOUNG, LLP
30 VALLEY STREAM PARKWAY
GREAT VALLEY CORPORATE CENTER
MALVERN, PA 19355-1481

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,586

Applicant(s)

DENNIS, GORDON K.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/21/04 and 11/25/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

The drawings are objected to because the drawings filed on June 21, 2004 and November 25, 2005 are regarded as introducing new matter into the application. All new matter must be canceled. With respect to the drawings filed on June 21, 2004, for example in figure 3, the location of the hasp 20 and the angle of the slot 41 with respect to the shroud is regarded as new matter. See figures 4, 5A and 5B also. In figure 6, the key lock in the knob 45, the angle of the slot 41, and the structure which contacts the hasp 25 are regarded as new matter. With respect to the drawings filed on November 25, 2005, in figure 3, the location of the hasp 20 and the angle of the slot 41 with respect to the shroud is regarded as new matter. See figure 4 also. In figure 6, the angle of the slot 41 and the structure which contacts the hasp 25 are regarded as new matter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities: In the event that the drawing correction to figure 2 filed on November 25, 2005 would be approved with a complete set of approved drawings, the written specification must set forth what reference numeral 18 in figure 2 is referring to.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description should provide support for the "openings" claimed in claims 1, 2, 9 and 16.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hoffman.

Hoffman teaches a channel shaped protective shroud 54; 56, 58 to cover a locking device 50, the shroud having openings at both ends (column 5, line 41), weld means or any other suitable means (column 4, lines 21-22) to affix the shroud in place over the locking device, and a single hasp 30.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Garvey et al and Hillabush.

Garvey teaches a shroud of approximately one quarter inch thick material as set forth in column 4, line 45. Hillabush teaches stainless steel used for shroud 100 and a hasp 200 (column 4, line 15). It would have been obvious to one of ordinary skill in the art to form the shroud of Hoffman of one quarter inch stainless steel, in view of the teachings of Garvey and Hillabush, the motivation being to provide corrosion resistance.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Masoncup et al.

Hoffman teaches the entire padlock as being covered by the shroud. Masoncup teaches a shackle 16 which may pivot about the leg 15. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of Hoffman, in view of the teaching of Masoncup, since any well known type of padlock would function just as well in locking the hasp of Hoffman.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Garvey et al.

Hoffman teaches a channel shaped protective shroud 54, 56, 58 to cover a locking device 50, the shroud having openings at both ends (column 5, line 41), weld means or

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any other suitable means (column 4, lines 21-22) to affix the shroud in place over the locking device, and a single hasp 30. Garvey teaches a plurality of anchors 66 and means 69 to affix the anchors 66. It would have been obvious to substitute anchors and nuts for the weld of Hoffman, in view of the teaching of Garvey, since Hoffman teaches in column 4, lines 21-22 that any well known suitable means may be used in place of the weld.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Garvey et al as applied to claim 2 above, and further in view of Oliver. Oliver teaches screws 32 welded at 35 to a plate 22. It would have been obvious to weld the screws of Hoffman as modified by Garvey to the shroud, in view of the teaching of Oliver, the motivation being to provide a strong attachment for the shroud.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman in view of Garvey et al as applied to claim 2 above, and further in view of Oliver and Braxter.

Oliver teaches screws 32 welded at 35 to a plate 22. Braxter teaches that epoxy is a well known substitute for a weld as set forth in column 4, line 49. It would have been obvious to attach the screws of Hoffman as modified by Garvey to the shroud with an epoxy, in view of the respective teachings of Oliver and Braxter, the motivation being to provide a strong attachment for the shroud.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Hoffman.

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White teaches an access door 2, a hasp attached to the container 1 interior by the inner side of the rivet 6, an aperture 8 in the door to receive the hasp, and a lock 13 to receive the hasp when the door is closed. Garner teaches a shroud 10 on a door to cover a locking device 40, welding means (column 2, line 43) to affix the shroud in place, and a hasp element 30. Hoffman teaches a channel shaped shroud with openings at its ends, as set forth above. It would have been obvious to provide a shroud on the door 2 of White to receive the hasp and padlock, in view of the teaching of Garner, the motivation being to protect the padlock and its shackle from tampering/cutting tools. It would have been obvious to provide a channel shaped shroud with openings at its ends for the shroud of White as modified by Garner, in view of the teaching of Hoffman, the motivation being to simplify installation of the padlock shackle of White. With respect to claim 16, the sequence of steps are regarded as being inherent in the combination of the references.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Hoffman as applied to claim 9 above, and further in view of Hillabush and Garvey et al.

Hillabush teaches a shroud 100 and a hasp 200 formed of stainless steel (column 4, line 15). Garvey teaches a shroud of quarter inch thick material, as set forth above. It would have been obvious to form the shroud and hasp of White as modified by Garner and Hoffman of quarter inch stainless steel, in view of the respective teachings of Hillabush and Garvey, the motivation being to optimize the corrosion resistance of the shroud and hasp.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Hoffman as applied to claim 9 above, and further in view of Masoncup et al.

Masoncup teaches a padlock with a pivoting shackle. It would have been obvious to substitute a padlock with a pivoting shackle for the padlock of White, in view of the teaching of Masoncup, since any well known type of padlock would function just as well in engaging the hasp of White.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner and Hoffman as applied to claim 9 above, and further in view of Daoud. Daoud teaches a notch 26 in a hasp to receive a padlock. It would have been obvious to utilize a notch with the hasp of White, in view of the teaching of Daoud, the motivation being to simplify installation of the padlock shackle onto the hasp.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over White in view of Garner, Hoffman and Masoncup et al as applied to claim 12 above, and further in view of an additional teaching of Hoffman.

Hoffman teaches the entire padlock covered by the shroud as seen in figure 5. It would have been obvious to cover the entire padlock of White with a shroud, in view of the teaching of Hoffman, the motivation being to protect the entire padlock from the elements and from cutting/tampering tools.

Applicant's arguments filed June 12, 2006 have been fully considered but they are not persuasive. With respect to the drawings remarks on page 4, the second

paragraph, whether or not features are being claimed, matter which is not supported by the original specification may not be added to the application.

In response to applicant's remarks in the penultimate paragraph of page 4, it is noted that nothing in the claims precludes the use of the Hoffman reference, or the plate 34 of Hoffman. The structure 32 in fig. 2 and in fig. 6 of Hoffman may also be regarded as a single element, nor is any type of "single element" limitation set forth in the claims which would preclude the use of the Hoffman reference. Further, the device of applicant may also be regarded as including multiple elements, including the fasteners 15 used with the cover. Applicant also argues that the device of Hoffman includes two elements, that being first a base plate 26 with a hasp or tongue, and second, a top plate 32 that fits over the base plate. It is noted that the device of applicant also relies on two separate elements, that being a first cover 10, and second, a separate hasp or tongue 20. It is also noted that the single element 32 of Hoffman shown in fig. 2 as well as figure 6 is capable of use in other environments, such as locking a hasp with a door, such as that environment of applicant. In response to the remarks on page 3, line 2, it is submitted that there is no suggestion or motivation needed in the Hoffman reference to not have a base plate, as claim 1 is rejected under 35 USC 102, and nothing in any of the claims which were rejected with the Hoffman reference precludes the use of the Hoffman reference.

In response to applicant's remarks on page 3, the second and third paragraphs, it is noted that nothing in the claims precludes the use of the Garvey reference which functions with two hasp elements. It is noted that the secondary reference to Garvey

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was relied on for its teaching of fasteners and one quarter inch thick material, and not as a secondary reference to add an additional hasp to the Hoffman reference. The Garvey reference was also not relied upon to provide a smaller opening (54 of Garvey) to the primary reference to Hoffman.

In response to applicant's remarks on page 3, line 15, it is not clear which claims are being referred to with the remarks concerning Garner. It is noted that in the rejection of claims 9 and 16, it is the Hoffman reference which is relied upon in teaching a channel shaped shroud, with openings at both ends.

Applicant's request for assistance in the last line of page 4 of the Remarks is noted. However, the examiner is currently not aware of allowable subject matter.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

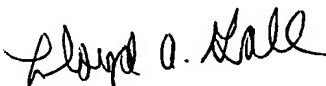
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
July 14, 2006


Lloyd A. Gall
Primary Examiner